

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSHUA ADAM SCHULTE,

Plaintiff,

- v. -

UNITED STATES OF AMERICA, et al.,

Defendants.

20 Civ. 2795 (PGG) (GWG)

Declaration of Joshua Adam  
Schulte in Opposition to  
Defendants' Pre-Discovery  
Summary Judgment Motion  
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I, JOSHUA ADAM SCHULTE, hereby declare that the following is true, under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I, Joshua Adam Schulte, am the Plaintiff in this action and I make this declaration upon personal knowledge, except where the context indicates information and belief.
2. I was arrested by federal authorities in 2017 and came to be detained pre-trial in the now closed Metropolitan Correctional Center (MCC). On March 8, 2020, I was housed in Unit 10, which I knew as the SAMs Unit.
3. I was then, and still am, held under very restrictive conditions, pursuant to Special Administrative Measures (SAMs) which severely restrict my access to others and effectively place me in solitary confinement. I have been detained since 2017, first at the MCC and now at the Metropolitan Detention Center (MDC) in Brooklyn, New York.

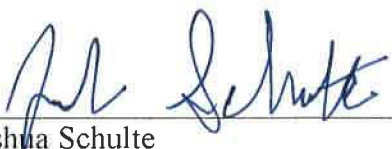
4. Mail sent to me, including correspondence from the Court and from my lawyers, is often significantly delayed and is sometimes lost entirely. The mail I send out is also often significantly delayed and is also sometimes lost entirely.
5. Although I currently do not have access to the videos referenced in the Summary Judgment litigation, at one time I was able to view them. Those videos are not a complete depiction of all that happened on the morning of March 8, 2020.
6. At approximately 5 A.M. on March 8, 2020, guards began banging on my door and turning on my lights. Despite my efforts to go back to sleep, I remained awake. I then heard one of the guards say, "he's the one with child porn. . . . Let's get him."
7. Immediately following this comment, a group of officers rushed into my cell, grabbed me, and pushed me against the mattress. Their excessive and unwarranted physical coercion continued. They harshly twisted my shoulder sockets when handcuffing me and forcefully removed me from my bed.
8. The officers pushed sandals onto my feet and dragged me out of my cell while screaming at me. When I calmly asked what was going on, they shoved me into the hallway. While I was in the hall, other guards ransacked my cell turning its limited contents upside down.
9. Additional guards then arrived. They turned me backwards and shoved my head down to waist height before they began to drag me backwards, pressing on my head and forcing me to be hunched over as I was moved backwards through the hallway.
10. Two of the guards held weapons that resembled paintball guns. On two or more occasions while I was out of my cell that morning, those weapons were put very close to my head.

11. The handcuffs restraining me were tight and sliced into my wrists, cutting them. I informed the guards that they were too tight but that only seemed to encourage them to pull harder on my arms.
12. During this incident, I was knocked or shoved to the ground at least three times. Each time I was knocked to the ground I tried to stand up and was kicked down again. The first time I was knocked to the ground by the guards were in the SAMs Unit on the tenth floor, near the doors between the SAMs unit and SHU. My knees and ankles were bruised. I was, again, knocked to the ground by the guards as we went from the 10th floor to the R&D Unit. My head hit the floor. My vision blurred. I believe I was suffering a concussion from my fall. Both falls are confirmed by the video although the officers' bodies obscure my own when I fall and when they bend down to respond to my fall.
13. The guards then barked at me to undergo an X-ray, to which I informed them that I did not consent. They forced me to do so, pointing the weapon at me.
14. Following the X-ray, the officers forced me to submit to a strip search in front of approximately fifteen officers.
15. After the strip search, I remained unable to return to my own cell because the guards were still searching it. I was dragged into the recreation room where there was an open window, so the room was freezing cold. I was only wearing a T-shirt and boxers. I asked the guard to help with the frigid temperature and he responded by telling me to "shut the fuck up." He then told his colleague to shove my face up against the wall so I would shut up. Despite my protests, the officers did not help me.

16. In the recreation room, the officer shoved me toward the wall and out of the frame of the video. I felt strong pressure on my back and my face was pressed quite hard into the wall. I could not speak and cried out in pain. While my face was to the wall, they pulled my handcuffed arms up behind my back and a sharp pain intensified behind my shoulders. This resulted in my shoulder dislocating. At this point, I was also shivering from the cold. As I cried out for help, I caught a glimpse of an officer who was smiling and clearly enjoying my pain. I remained held in this cold, painful position for more than 10 minutes. Eventually, my shoulder popped back into its socket.
17. Finally, the guards threw me back into my cell. I looked for clothes, sheets, or blankets to warm myself but found that it had all been removed, along with some of my legal papers, commissary items, and medications. Despite my requests, the guards never contacted medical personnel to address my injuries or to replace my medication.
18. In previous instances, the guards have searched everyone's personal matters when looking for an alleged gun. That search did not remotely resemble the level of violence and hostility used here.
19. This statement does not recite everything that happened. It only includes some of the facts relevant to opposing summary judgement. During my pre-trial detention, my legal papers and other materials have been repeatedly seized, destroyed, or lost.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
April 21, 2023

  
Joshua Schulte

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSHUA ADAM SCHULTE

Plaintiff

- v. -

UNITED STATES OF AMERICA, et al.,

STIPULATION  
20 Civ 2795(PGG)(GWG)

Defendants.

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IT IS HEREBY STIPULATED AND AGREED by and among the Plaintiff, Mr. Joshua Schulte, by his counsel, Lincoln Square Legal Services, Inc., and the Defendants, by their counsel, Damian Williams, United States Attorney for the Southern District of New York, respectively, that:

1. Plaintiff's counsel filed an unsigned declaration from Mr. Schulte on April 18, 2023 as an Exhibit to a signed declaration by Ian Weinstein, Supervising Attorney, Lincoln Square Legal Services, Inc. Counsel's declaration explained the circumstances leading to that filing.
2. Plaintiff's counsel subsequently secured Mr. Schulte's signature on the declaration when Mr. Schulte appeared in court on a separate matter.
3. Mr. Schulte's signed declaration shall be treated in this litigation as having been filed with and as part of Plaintiff's April 18, 2023 filing.

Dated: New York, New York  
May 03, 2023

BY:



MICHAEL MARTIN  
Lincoln Square Legal Services, Inc.  
*Attorney for Joshua Schulte*

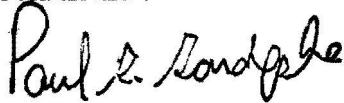
DAMIAN WILLIAMS  
United States Attorney  
Southern District of New York

BY:



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Southern District of New York  
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Email: ellen.blain@usdoj.gov  
*Attorney for Defendants*

SO ORDERED.



Paul G. Gardephe  
United States District Judge

Date: May 8, 2023